

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jeffrey D. Carnevali

Application No.: 09/733,691

Confirmation No.: 3233

Filed: December 7, 2000

Art Unit: 3632

For: UNIVERSALLY POSITIONABLE
MOUNTING DEVICE

Examiner: G. W. Baxter

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice of Non-Compliant Amendment ("Notice") dated October 10, 2006. The Notice asserted that the Amendment dated September 14, 2006 was non-compliant because it failed to provide status identifiers for all pending claims as required under 37 C.F.R. §1.121. The present patent application is, however, a reissue application and 37 C.F.R. §1.121 does not apply to reissue applications. 37 C.F.R. §1.121(a). There are different rules regarding status indicators for the claims of a reissue application as described in 37 C.F.R. §1.173 and M.P.E.P. §1453.

In a telephone interview on October 24, 2006, the Applicant's representative, Bruce Black, spoke with Examiner Baxter regarding the Notice. Examiner Baxter agreed that the Amendment of September 14, 2006 was compliant with the rules applicable to reissue applications and indicated that the Notice should be withdrawn and the Amendment considered as filed. The Examiner requested that the Applicant's representative memorialize this understanding in the present

writing. Accordingly, the Applicant respectfully submits that the Amendment filed on September 14, 2006 contains the proper identifiers for a reissue application and requests withdrawal of the Notice and consideration of the Amendment of September 14, 2006 as filed.

Dated: October 25, 2006

Respectfully submitted,

By B. E. Black
Bruce E. Black

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